

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

The Utility Reform Network,

Complainant,

vs.

Pacific Bell Telephone Company D/B/A/ AT&T  
California (U1001C),

Defendant.

Case 13-12-005  
(Filed December 6, 2013)**DECISION AWARDING INTERVENOR COMPENSATION TO THE UTILITY REFORM  
NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 15-10-027**

<b>Intervenor: The Utility Reform Network</b>	<b>For contribution to Decision 15-10-027</b>
<b>Claimed: \$ 333,539</b>	<b>Awarded: \$333,301.42</b>
<b>Assigned Commissioner: Michael Picker</b>	<b>Assigned ALJ: Karl J. Bemserderfer</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	The Final Decision adopts a Settlement between TURN, the Center for Accessible Technology (CforAT) and AT&T California (AT&T) resolving all issues in the complaint. In lieu of the unconstrained pricing flexibility that AT&T had been afforded, the Settlement places a five-year cap, to expire on December 31, 2020, on rates for basic residential service and LifeLine service offered by AT&T California. During the five-year period, parties to the Settlement agree not to bring an action specifically addressing the reasonableness of rates for the included services.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	Intervenor	CPUC Verified
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	April 30, 2014	Verified.
2. Other specified date for NOI:		
3. Date NOI filed:	May 30, 2014	Verified.
4. Was the NOI timely filed?		Yes, The Utility Reform Network (TURN) timely filed the notice of intent to claim intervenor compensation.
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.12-11-009	Verified.
6. Date of ALJ ruling:	September 6, 2013	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes.  We note that TURN is not an individual ratepayer electing to prosecute a complaint and it is therefore eligible for compensation in this proceeding. <i>See</i> D.95-10-050.
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.12-11-008	A.12-11-009. <i>See</i> B.5., above.
10. Date of ALJ ruling:	September 6, 2013	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, TURN demonstrated significant financial hardship.

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.15-10-027	Verified.
14. Date of issuance of Final Order or Decision:	October 29, 2015	Verified.
15. File date of compensation request:	December 23, 2015	Verified.
16. Was the request for compensation timely?	Yes, TURN timely filed the claim for intervenor compensation.	

**PART II: SUBSTANTIAL CONTRIBUTION****A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. <i>Background</i></p> <p>TURN filed this Complaint pursuant to Public Utilities Code Section 1702 contending that rates for residential basic services offered by AT&amp;T California are unjust and unreasonable. As required by the statute, TURN supported its complaint with the signatures of over 25 AT&amp;T current and prospective customers. The Complaint includes a detailed discussion of the rate history of AT&amp;T's basic service since the carrier received full pricing flexibility from the Commission in 2010. The Complaint also provided legal analysis and proposed criteria for the Commission to review AT&amp;T rates pursuant to its statutory obligation to ensure its rates are just and reasonable.</p> <p>As a remedy, TURN requested the Commission make AT&amp;T's rates subject to refund, reduce AT&amp;T's rates and provide refunds to customers upon a finding that AT&amp;T's rates were in violation of Section 451, and cap AT&amp;T's rates going forward. TURN also requested that the</p>	<p>Complaint, filed December 6, 2013</p> <p>AT&amp;T Motion to Dismiss, filed January 23, 2014</p> <p>TURN Opposition to Motion to Dismiss, filed February 7, 2014</p> <p>Assigned Commissioner's Ruling and Scoping Memo, July 2, 2014</p> <p>Motion to Compel, filed July 11, 2014</p> <p>Opening Testimony of Susan Baldwin on behalf of TURN, submitted August 27, 2014</p> <p>Rebuttal Testimony of Susan Baldwin on behalf of TURN, submitted October 9, 2014</p> <p>Joint Motion for Approval of Settlement, filed May 15, 2015</p> <p>Final Decision, October 29, 2015</p>	Verified.

<p>Commission initiate the “long-delayed” review of the status of competition in the telecommunications marketplace in California.</p> <p>AT&amp;T filed its answer and a Motion to Dismiss. TURN responded and the Assigned Commissioner issued a Scoping Memo denying the Motion to Dismiss and setting the scope for the proceeding. Meanwhile other groups became parties to the proceeding including ORA, CforAT, Greenlining and CFC.</p> <p>After extensive discovery, substantial testimony by TURN, CforAT and AT&amp;T, preparation for hearings, and numerous procedural motions, TURN, CforAT and AT&amp;T entered into settlement discussions and in May 2015 filed a Motion to Adopt a Settlement. The Commission approved the Settlement in October.</p> <p>The Final Decision and related settlement brings stability and certainty to rates for millions of AT&amp;T customers throughout the state. By capping rate increases to AT&amp;T’s services for five years, the settlement benefits all California consumers in AT&amp;T territory, especially those dependent on basic wireline services and LifeLine. TURN’s substantial contributions are described below.</p>		
<p><i>2. Motion to Dismiss</i></p> <p>On January 23, 2014, AT&amp;T filed its Answer to the Complaint and a Motion to Dismiss. In the Motion, AT&amp;T argued that TURN failed to state a claim that AT&amp;T’s rates were unjust and unreasonable, that TURN failed to satisfy the requirements of</p>	<p>AT&amp;T Motion to Dismiss, filed January 23, 2014</p> <p>TURN Opposition to Motion to Dismiss, filed February 7, 2014</p> <p>Assigned Commissioner’s Ruling and</p>	<p>Verified.</p>

<p>Section 1702 and Commission Rules of Practice and Procedure including improper presentation of the required signatures, that the Complaint was unlawfully vague, and that TURN's Complaint was an improper attack on Commission precedent.</p> <p>TURN filed its timely response arguing that AT&amp;T did not meet the clear legal standard for a Motion to Dismiss and was not entitled to judgment as a matter of fact or law. Indeed, TURN pointed out that AT&amp;T's arguments in its own Motion demonstrated that there were triable issues of fact in the case. TURN also refuted AT&amp;T's attack on the validity of the customer signatures supporting the Complaint. Other intervenors also weighed in to oppose AT&amp;T's Motion to Dismiss.</p> <p>The Assigned Commissioner dismissed AT&amp;T's arguments as unpersuasive. First, the July Scoping Ruling pointed out that as an incumbent carrier, the signatories can be assumed to be current or potential customers of AT&amp;T and characterized the suggestion that the signatories were illegitimate as an "unsupported allegation."</p> <p>Second, the Scoping Memo rejected AT&amp;T's substantive claims citing TURN's statement, "AT&amp;T California's motion does not establish that there are no triable issues of fact; it instead attempts to either refute the various facts raised by TURN, or argues that they are irrelevant." Pg 7 The Scoping Memo also found that AT&amp;T could not prevail as a matter of law noting that the Commission is required to</p>	<p>Scoping Memo, July 2, 2014, pp. 4-8.</p>	
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<p>monitor rates and has a legal obligation to ensure the rates remain just and reasonable. The Assigned Commissioner agreed with TURN that AT&amp;T's rate increases "raise sufficient questions" about compliance with statutory obligation to support a complaint. Therefore, the Scoping Memo found that, "TURN states a sufficient cause of action and AT&amp;T California is not entitled to prevail as a matter of law" and denied the Motion to Dismiss. Pg 8</p>		
<p><i>3. Rate Caps- Basic Service</i></p> <p>In its Complaint, TURN details the history of AT&amp;T rate increases and sets forth legal and policy arguments supporting the argument that AT&amp;T's rates for basic service are unjust and unreasonable pursuant to Section 451.</p> <p>TURN also submitted extensive testimony from its expert witness Susan Baldwin describing the telecommunications marketplace and providing policy and economic analysis supporting the claim that AT&amp;T's rates are not just and reasonable.</p> <p>TURN provided an evidence-based analysis and relied extensively in its testimony on discovery responses from AT&amp;T.</p> <p>In its Answer and Motion to Dismiss, AT&amp;T argued that its rates were just and reasonable and that the Commission should not act to re-regulate rates in any way. AT&amp;T argued that the current Uniform Regulatory Framework and the existence of competition in the marketplace will keep rates just and reasonable. AT&amp;T also submitted testimony from its own expert witness to attempt to</p>	<p>Complaint, filed December 6, 2013</p> <p>AT&amp;T Motion to Dismiss, filed January 23, 2014</p> <p>TURN Opposition to Motion to Dismiss, filed February 7, 2014</p> <p>Opening Testimony of Susan Baldwin on behalf of TURN, submitted August 27, 2014</p> <p>Rebuttal Testimony of Susan Baldwin on behalf of TURN, submitted October 9, 2014</p> <p>Joint Motion for Approval of Settlement, May 15, 2015</p> <p>ORA Opposition to Settlement Motion, filed May 26, 2015</p> <p>Final Decision, October 29, 2015, pp. 3, 7</p>	<p>Verified.</p> <p>TURN's representation of the terms of the settlement approved in D.15-10-027 is accurate and its description of its prior litigation positions is also accurate. Pursuant to D.94-10-029, the Commission has discretion to award compensation to parties who participated in settlement agreements, when there is a finding that they made a substantial contribution to a decision. We find that TURN's participation in the settlement made a substantial contribution to D.15-10-027.</p>

<p>demonstrate that the marketplace is competitive and the Commission should not step in to regulate rates.</p> <p>CforAT also submitted testimony demonstrating the impact of AT&amp;T's rate increases on vulnerable populations and urging the Commission to find AT&amp;T's rates unjust and unreasonable and supported TURN's requested remedy.</p> <p>TURN, CforAT and AT&amp;T entered into settlement negotiations during a break between the time parties submitted testimony and scheduled hearings. As a result of these discussions, the parties filed a Motion to Adopt Settlement.</p> <p>The Settlement caps rates for residential basic service for the next five years, limiting AT&amp;T to a \$3 cumulative increase and no more than \$1 increase in any single year.</p> <p>ORA opposed the Settlement on the grounds that the settlement was unreasonable and not in the public interest because it did not go far enough to limit AT&amp;T's future rate increases. ORA also filed comments opposing the Proposed Decision adopting the Settlement Motion.</p> <p>The Final Decision adopts the Settlement between TURN, CforAT and AT&amp;T and rejects ORA's opposition. It finds that the parties to the settlement "had a sound and thorough understanding of the issues" and that the Settlement limiting further AT&amp;T rate increases was in the public interest and "benefits the customers of the Listed Services."</p>		
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<p><i>4. Rate Caps- LifeLine</i></p> <p>In its Complaint and related testimony, TURN raised issues of affordability and expressed concern regarding the availability of low cost, ubiquitous, and reliable basic voice services for low income Californians under the current URF structure. Moreover, TURN submitted testimony discussing the impacts of AT&amp;T rate increases on low income customers and the demand for wireline voice services.</p> <p>AT&amp;T filed testimony pointing out that low income customers increasingly have choices for telecommunications services and that alternatives such as broadband and wireless are popular among low income communities.</p> <p>When TURN filed its Complaint, California LifeLine wireline services were capped, as they had been for several years. Soon after filing its Complaint, the Commission issued a decision in the LifeLine docket setting a date of June 2015 to lift the rate cap on LifeLine services.</p> <p>Therefore, while LifeLine services were not initially in the scope of the Complaint, TURN, CforAT and AT&amp;T all included testimony regarding the impact of rate increases on low income customers against a back drop of potential increases for California's safety net of LifeLine.</p> <p>The Settlement agreement caps LifeLine rates under the same terms as residential basic service providing stability and predictability for LifeLine</p>	<p>Complaint, filed December 6, 2013</p> <p>AT&amp;T Motion to Dismiss, filed January 23, 2014</p> <p>TURN Opposition to Motion to Dismiss, filed February 7, 2014</p> <p>Opening Testimony of Susan Baldwin on behalf of TURN, submitted August 27, 2014</p> <p>Rebuttal Testimony of Susan Baldwin on behalf of TURN, submitted October 9, 2014</p> <p>Joint Motion for Approval of Settlement, May 15, 2015</p> <p>ORA Opposition to Settlement Motion, filed May 26, 2015</p> <p>Final Decision, October 29, 2015</p>	<p>Verified.</p> <p>TURN's representation of the terms of the settlement approved in D.15-10-027 is accurate and its description of its prior litigation positions is also accurate. Pursuant to (D.) 94-10-029, the Commission has discretion to award compensation to parties who participated in settlement agreements, when there is a finding that they made a substantial contribution to a decision. We find that TURN's participation in the settlement made a substantial contribution to D.15-10-027.</p>
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customers.		
<p><i>5. Changes to the Proposed Decision</i></p> <p>The Assigned Administrative Law Judge issued a Proposed Decision on June 18, 2015. The Proposed Decision approved the Settlement between AT&amp;T, CforAT and TURN. TURN's joint comments with CforAT generally supported the Proposed Decision and its adoption of the Settlement. However, TURN and CforAT requested several revisions to the Proposed Decision to more accurately reflect the record and the legal analysis supporting the Settlement.</p> <p>The revisions addressed parts of the Proposed Decision that misapplied and misinterpreted the Commission's past decision adopting the Uniform Regulatory Framework. Moreover, TURN argued that the Proposed Decision mischaracterized ORA's opposition to the Settlement.</p> <p>The Final Decision makes a significant number of the changes TURN advocated in its comments on the Proposed Decision, such as clarifying and narrowing references to the carriers being "free to set rates however they chose" or eliminating the erroneous statement that URF "decoupled rates from cost of service" and clarifying the ORA opposition to avoid misinterpretation of its position that the Settlement and Proposed Decision did not approve rates for any basic service but rather created a structure for rate caps. These changes to the Proposed Decision, advocated by TURN and CforAT, will ensure that the Final Decision in this docket will</p>	<p>Proposed Decision of ALJ Bemesderfer, June 18, 2015</p> <p>Proposed Decision of ALJ Bemesderfer, Version 4, Oct, 2015</p> <p>Joint Opening Comments of TURN and CforAT on Proposed Decision, July 8, 2015</p> <p>Joint Reply Comments of TURN and CforAT on Proposed Decision, July 13, 2015</p> <p>ORA Opposition to Settlement Motion, filed May 26, 2015</p> <p>Final Decision, October 29, 2015, p. 6-7</p>	Verified.

appropriate reflect the record and Commission precedent.		
<p><i>6. Motion to Compel</i></p> <p>As discussed above, this proceeding was data and document driven and included a voluminous record consisting of significant discovery responses. Early in the discovery process, TURN found that AT&amp;T was including a large amount of redacted documents in its discovery responses and the redactions made much of the discovery unusable and made it impossible for TURN to determine whether the material was appropriately redacted.</p> <p>After multiple meet and confers and a telephonic meeting with ALJ Hecht to try to resolve the issue, TURN filed a Motion to Compel arguing that AT&amp;T's insistence of redacting significant portions of its discovery responses that it claimed were out of the scope of the docket or irrelevant to the case made it impossible for TURN to satisfy its burden of proof in this docket. Indeed, the Scoping Memo and ALJ Hecht both specifically directed AT&amp;T to cooperate in discovery matters because AT&amp;T had the majority of relevant information TURN needed to assess just and reasonableness of rates.</p> <p>AT&amp;T responded to TURN's Motion arguing that the redacted material was beyond the scope of the case and that TURN's discovery was in-artfully drafted.</p> <p>Subsequently, the parties had a telephonic motion hearing with ALJ Darling. During the call, ALJ Darling expressed concern over the amount of redactions and</p>	<p>Assigned Commissioner's Ruling and Scoping Memo, July 2, 2014, p. 10</p> <p>TURN Motion to Compel, filed July 11, 2014</p> <p>Opposition of AT&amp;T to TURN's Motion to Compel, July 17, 2014</p> <p>TURN Reply to AT&amp;T Opposition to Motion to Compel, July 21, 2014</p>	Verified.

<p>skepticism that the redacted material was truly irrelevant to the scope of this docket. While she also raised issues with the broad scope of TURN's discovery requests and failure to focus on the cost-basis of AT&amp;T's rates, ALJ Darling specifically directed AT&amp;T to investigate the possibility of unredacting as much of its responses as possible to allow TURN to conduct proper discovery and meet its burden.</p> <p>Just two days later, AT&amp;T followed up with TURN to agree, as a compromise, to unredact additional material and to work with TURN on future discovery responses to limit redactions. Because the parties compromised to find a solution, ALJ Darling did not issue a formal ruling. However, TURN's Motion to Compel set the process in Motion for additional discussions, ALJ review of the situation, and compromise by both parties to ensure TURN had the information it needed to properly litigate this case.</p>		
<p><i>7. Burden of Proof</i></p> <p>During the Prehearing Conference, parties raised the issue of the burden of proof. TURN argued that while the Commission has used a default standard to place the burden of proof in complaint cases on the plaintiff, this case was unique and the burden of proof should be reviewed. AT&amp;T disagreed. The ALJ agreed with TURN that "the burden of proof is a pretty fundamental issue" and requested briefing on the issue.</p> <p>Although the Assigned Commissioner found that the burden of proof should remain</p>	<p>Prehearing Conference Transcript, pp. 34-37</p> <p>TURN Opening Brief on Burden of Proof, May 14, 2014</p> <p>AT&amp;T Opening Brief on Burden of Proof, May 14, 2014</p> <p>TURN Reply Brief on Burden of Proof, May 21, 2014</p> <p>Assigned Commissioner's Ruling and Scoping Memo, July 2, 2014, pp. 8-10</p>	<p>Verified.</p>

<p>with the plaintiff, in the July Scoping Memo the Assigned Commissioner agrees with TURN that the “Commission may and does place the burden of proof on the defendant under some circumstances, and that nothing prevents the Commission from doing so in a complaint about URF rates.” The Assigned Commissioner further acknowledged that, in general, the Commission has the discretion to appropriately allocate the burden of proof regardless of the default assumption that the burden of proof lies with the plaintiff.</p> <p>The Scoping Memo also agreed with TURN that AT&amp;T has ready access to data and documents necessary for TURN to meet its burden and the Scoping Memo specifically directed AT&amp;T to cooperate with discovery efforts and encouraged parties to bring disputes to the Commission in a timely manner.</p>		
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?</b>	Yes	Verified.
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Yes.
<b>c. If so, provide name of other parties:</b> Center for Accessible Technology, Greenlining Institute, Consumer Federation of California		Verified.
<b>d. Intervenor’s claim of non-duplication:</b> As the Complainant, TURN took the lead in all aspects of the proceeding. However, CforAT also played a critical role by submitting supporting testimony focusing on the impact of AT&T rate increases on vulnerable populations, working on scheduling and procedural issues, and actively participating in settlement discussions and drafting.		Agreed. The Commission finds that TURN did

<p>TURN coordinated closely with CforAT to avoid duplication of effort. The partnership between TURN and CforAT on certain aspects of this proceeding allowed both parties to accomplish more than it might have litigating the case on its own.</p> <p>TURN also worked with other parties such as Greenlining and CFC to avoid duplication. However, these two parties took a much less active in the proceeding, only filing oppositions to AT&amp;T's Motion to Dismiss and then comments on the Settlement Motion and Proposed Decision.</p> <p>ORA was also a party to this proceeding. TURN and ORA initially worked closely together and heavily coordinated efforts to submit an initial round of joint discovery, oppose AT&amp;T's Motion to Dismiss, participate in the PHC and file briefs addressing the burden of proof issue raised by TURN. However, after several months, ORA curtailed its active participation in the docket. ORA did not submit additional discovery, did not submit testimony or comments on other procedural issues and did not participate in settlement discussions. ORA only re-engaged with the proceeding to oppose the Settlement between TURN, CforAT and AT&amp;T. (ORA's Opposition to the Motion for Adoption of Settlement Agreement, May 26, 2014). ORA argued that the Settlement did not go far enough to limit AT&amp;T's rate increases and could potentially limit future oversight of AT&amp;T rates. (See also, ORA's Comments on the Proposed Decision Approving Settlement, July 8, 2015). The Commission rejected ORA's opposition and approved the Settlement.</p> <p>TURN urges the Commission to find that the parties limited duplication of effort and that any duplication that may have existed ultimately provided benefit to the record and the Commission's overall decision-making processes.</p>	not engage in duplication with other parties.
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### PART III: REASONABLENESS OF REQUESTED COMPENSATION

#### A. General Claim of Reasonableness (§ 1801 and § 1806):

<p><b>a. Intervenor's claim of cost reasonableness:</b></p> <p>TURN's substantial contribution in this docket resulted in significant benefits for ratepayers of AT&amp;T including low-income customers who qualify for LifeLine. California ratepayers benefit by having choices between different low-cost alternatives for reliable phone service. By capping rate increases, TURN helped preserve customer choice for basic service and supported the Commission's universal service goals. Therefore, TURN urges the Commission to find that its cost of participation of \$333,539 is reasonable.</p> <p>By filing this Complaint, TURN advocated to protect both current and potential AT&amp;T basic service customers arguing that rates were not just and reasonable in violation of the Public Utilities Code which imposed a hardship on California consumers. During the proceeding, TURN conducted extensive discovery and filed detailed testimony thus building a strong record to support Commission action to ensure just and reasonable rates for basic service.</p> <p>After subsequent review of the parties' testimony and issues for possible hearings, the active parties entered into settlement negotiations. TURN's efforts, along with CforAT, were successful and parties filed a Joint Settlement Motion in March, 2015. The Settlement limits rate increases for millions of California consumers who currently</p>	<p><b>CPUC Discussion</b></p> <hr/> <p>Verified.</p>
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<p>rely on AT&amp;T's basic service and LifeLine wireline service. TURN calculated that between 2010-2014, AT&amp;T increased its flat rate basic service 46% or by \$7.55 and its measured rate service by 140% or \$12.38. These increases impacted millions of California ratepayers. Without this Complaint, there was no mechanism at the Commission to prevent AT&amp;T from continuing its pattern of increases. Instead, the agreement to cap rate increases between 2016 and 2020 to only three dollars, as opposed to the \$7.55 or \$12.38 of increases over a similar period of time, saves AT&amp;T rate payers millions of dollars. Moreover, the Settlement provides rate stability and predictability for five years, something that ratepayers have not experienced under the Uniform Regulatory Framework.</p> <p>The Settlement also includes LifeLine services making it a critical benefit to the most vulnerable population of California ratepayers. The Public Utilities Code limits the rates for LifeLine to 50% of the current basic service rate; therefore, if basic service rates fluctuate and consistently increase, so too can LifeLine rates. The Settlement provides stability to LifeLine customers by placing a cap on basic service rates linked to the LifeLine rate and by limiting rate increases for the LifeLine rate itself. There are hundreds of thousands of AT&amp;T LifeLine customers that will directly benefit from this Settlement.</p> <p>TURN's work in the docket, with the coordination of other parties, brought the interests and the voices of these ratepayers to this proceeding and TURN urges the Commission to find the cost of its participation was reasonable in light of these benefits.</p>	
<p><b>b. Reasonableness of hours claimed:</b></p> <p><i>TURN Advocates and Coordination of Effort</i></p> <p>Ms. Mailloux was TURN's lead attorney on this case. She coordinated and worked with experts to draft testimony, developed TURN strategy and positions on legal issues and statutory interpretation, represented TURN on discovery matters and in settlement discussions, and addressed the myriad of procedural issues that arose in this proceeding.</p> <p>Ms. Mehta played a vital role in TURN's litigation by conducting legal research and assisting with drafting TURN's response to issues on burden of proof, motions to compel, motions to dismiss and other issues. She worked closely with Ms. Mailloux on discovery matters and worked directly with TURN's experts, as well as AT&amp;T, to resolve certain discovery disputes. Ms. Mehta is an experienced attorney with a litigation background, but was relatively new to TURN when she performed her work in this case.</p> <p>Mr. Long is TURN's Legal Director and worked with Ms. Mailloux and Ms. Mehta to ensure that the team had sufficient resources to adequately litigate the case. He also assisted with key pleadings. In particular, owing to other demands on Ms. Mailloux's time, Mr. Long played a significant role in the drafting of the Complaint. Mr. Long worked closely with Ms. Mehta to supervise and assist with drafting pleadings and case strategy matters. Ms. Mailloux and Mr. Long also consulted on a number of strategy decisions in this docket, especially as the team was crafting the complaint itself and during settlement talks. Mr. Long also attended the PHC and several ex parte meetings</p>	<p>Verified.</p>

to ensure that TURN's lead attorney, Ms. Mailloux, would not have to travel for these short meetings. TURN has found it more efficient to allow a local attorney to prepare for and attend these meetings rather than have Ms. Mailloux travel. Mr. Long was already generally familiar with the issues and billed a reasonable amount for his time spent familiarizing himself with issues for the PHCs and ex partes. Mr. Long was already generally familiar with the issues, and therefore was able to limit the amount of time necessary to familiarize himself with issues for the PHCs and ex partes.

There are a limited number of hours for other TURN advocates who worked on specific issues where they had experience to bring to the case. Mr. Nusbaum focused on Motion work and helped with complaint drafting and case strategy. Ms. Costa also worked on case strategy and helped review testimony to ensure consistency with positions taken by TURN in other dockets.

Ms. Baldwin and her team were also critical assets to TURN's effort. TURN's hours reflect the significant effort made by Ms. Baldwin, Ms. Bosley and Ms. Golding to analyze the voluminous discovery responses in this docket, assist the TURN advocates in discovery matters and draft extensive testimony on a number of issues relating to AT&T's rate increases. These experts coordinated amongst themselves to avoid duplication of roles and efforts and then worked with TURN advocates to ensure efficiency and effectiveness. The time records reflect that Ms. Bosley was primarily responsible for discovery analysis and review which, in turn, assisted Ms. Baldwin with preparation of testimony. Ms. Golding served in a more limited capacity and was primarily responsible for work on the testimony through editing and analysis.

#### *Avoiding Duplication of Effort*

This case was a unique effort for TURN and, as such, raised unique issues at several points in the process. TURN does not ordinarily bring complaint actions against a specific utility. Recognizing that Section 1702 provides a specific vehicle to challenge rate reasonableness, TURN used this vehicle to achieve changes to AT&T's ratesetting practices. Yet, as discussed below, the procedural and substantive issues raised during the proceeding required discussion, consultation and innovative strategic thinking with both the internal TURN team and external partners to avoid duplication of effort and successfully litigate the case.

Each TURN advocate had a specific role in developing and implementing TURN's advocacy by relying on their own specific expertise and background. A number of hours and hourly entries reflect internal and external meetings involving two or more of TURN's attorneys and expert witnesses. Occasionally, the Commission has deemed such entries as reflecting internal duplication and not eligible for an award of intervenor compensation. This is not the case here.

TURN has reviewed its time sheets and has deleted entries where there was a likelihood of duplication. The included entries reflect that TURN's attorneys and consultants met among themselves to develop and execute case strategy, and otherwise as necessary to coordinate their work on the different issues on which each had primary responsibility. Such meetings were essential to the effective development and implementation of TURN's strategy for this complicated and document and data-driven proceeding. None of the attendees' efforts were duplicative – each was an

active participant, bringing his or her particular knowledge and expertise to bear on the discussions. As a result, TURN was able to identify issues and angles that would almost certainly never come to mind but for the “group-think” achievable in such settings. In light of the fact that Ms. Mehta was new to TURN, other TURN advocates such as Mr. Long and Ms. Mailloux worked more closely with Ms. Mehta to supervise and assist her work in this proceeding. TURN has reviewed the time sheets and removed unnecessary or clearly duplicative entries. We find the remaining entries reflect TURN’s substantial contribution and the coordinated work effort by its internal team.

There were also meetings with other parties at which more than one TURN advocate represented TURN. The Commission should understand that this is often essential in a case such as this one, with a wide range of issues on competition, discovery status, market definition, broadband issues, regulatory jurisdiction, that no single person is likely to master. The other parties in these meetings, primarily ORA, CforAT and AT&T, also often had multiple representatives in attendance for similar reasons. TURN’s requested hours do not include any for a TURN attorney or expert witness where his or her presence at a meeting was not necessary in order to achieve the meeting’s purpose. TURN submits that such meetings are part of an intervenor’s effective advocacy before the Commission, and that intervenor compensation can and should be awarded for the time of all participants in such meetings where, as here, each participant needed to be in the meeting to advance the intervenor’s advocacy efforts.

#### *Settlement Efforts and Hearings*

The active parties to this case filed a Motion requesting approval of a settlement that resolved the outstanding issues. The settlement was negotiated primarily between November 2014 and May 2015. During that time, the schedule for hearings was moved several times to accommodate attorney schedules and to make time for further settlement discussions. The time between testimony and hearing allowed parties to enter into deliberate and thoughtful settlement negotiations. However, during the settlement negotiation process, parties continued to prepare for the upcoming hearings. In this case, it was difficult to predict the success of settlement talks requiring TURN to be prepared to move ahead to hearings if settlement talks failed. TURN’s time entries coded as “Stlmt” and “Hrg” reflect this coordinated effort until TURN’s advocates were confident enough in the success of settlement to stop hearing preparation efforts.

Moreover, TURN submits that the time coded as “Hrg” is reasonable in light of the unique but broad scope of the issues raised by the testimony in this proceeding. Here, TURN had the burden of proof which is unusual in many PUC proceedings, and required additional preparation to ensure we had sufficient exhibits and cross prepared to satisfy the burden. TURN also anticipated significant cross of its witness based on the extensive testimony and reliance on numerous AT&T discovery requests as exhibits.

#### *Procedural Issues*

TURN’s time records reflect work on two procedural issues that are unique to this proceeding. First, TURN has hours coded as “AL” which indicates work spent



protesting and monitoring AT&T AL 43134 which notified the Commission that it intended to raise rates for its basic local service effective on the same day. This rate increase was directly related to the issues raised in TURN's complaint and we protested the Advice Letter urging the Commission to require AT&T to reduce the rate back to its pre-filing levels and instead litigate the rate increase issues in the pending Complaint. The staff suspended AT&T's AL for further review but allowed the rate increase to go into effect. In the July Scoping Memo, the Assigned Commissioner stated that "issues related to that advice letter [AL43134] may be addressed in this proceeding." Therefore, because the issue of rate increases was inextricably linked between the two procedural vehicles, TURN includes the hours spent on this Advice Letter in this compensation request. On this issue, Ms. Mehta took the lead, with Mr. Long primarily supervising and assisting in the effort to protest the AL.

Second, TURN's time records include hours spent drafting and defending a Motion Requesting a Memorandum Account (hours coded as "PROC"). TURN's requested remedy in the Complaint included bill credits for customers that it argued over paid for basic service through unjust and unreasonable rates. As part of that remedy, TURN requested that the Commission establish a memorandum account for AT&T to track the revenue it earned from the subjected services. This memorandum account would put AT&T on notice that the revenue it earned during the pendency of the case may be credited back to the customer and would have avoided retroactive ratemaking claims by the carrier. The Motion was a necessary part of TURN's complaint to ensure the Commission could, if TURN prevailed, order the requested remedy. The July Scoping Memo specifically asks parties for further comment on whether the Commission should establish a memorandum account. Because parties settled the issues of rate reasonableness, the request for a memorandum account was never finally ruled upon. However, the Motion itself is still a critical piece to the Complaint and requested remedies at issue in the docket and considered part of TURN's case as it negotiated and compromised settlement issues. Currently, telecommunications cases rarely include requests for memorandum accounts, thus requiring additional research and discussion to ensure the Motion was properly and effectively drafted by Mr. Nusbaum and Mr. Long. TURN urges the Commission to find these hours reasonable, noting that Mr. Nusbaum draft the Motion with Mr. Long but Mr. Long took primary responsibility to defend the Motion.

Third, TURN's hours include work by TURN advocates to research and prepare the Complaint. TURN has coded these hours as "Cmplt". These hours are a significant portion of TURN's total but they include research and drafting by two of TURN's advocates, coordination of effort among other TURN advocates, case strategy discussions, and work to satisfy the statutory requirement to collect signatures to support the Complaint. The statute requires this type of complaint to include a minimum number of "current or potential customers" to support the complaint. These signatures were vital to meet the prerequisites of the complaint. Indeed, AT&T highlighted the importance of conscientious and deliberate methodology for collecting the signatures when it challenged the veracity of the signatures in its Motion to Dismiss. Time spent satisfying this procedural requirement prior to filing the Complaint should be recognized as essential to TURN's contribution in this case.

#### *Discovery*

This case was very document and data driven. TURN developed and supported its

proposals by conducting extensive discovery and analyzing the results. When appropriate, TURN coordinated with ORA and other intervenors on discovery. The time sheets contain significant hours marked as “DISC” to reflect the time spent on drafting, propounding, and analyzing discovery requests and responses by each of TURN’s advocates and experts. This code also represents time spent on issues related to discovery and confidentiality of the data provided to TURN from AT&T, including extensive work on a Motion to Compel. TURN argued that AT&T provided its discovery responses with excessive redactions, making the responses difficult to use and limiting their value. TURN and AT&T argued the Motion before a Law and Motion ALJ who discussed the matter but did not issue a formal ruling. Instead, TURN and AT&T negotiated a compromise wherein AT&T disclosed a significant amount of the redacted material while TURN agreed to allow AT&T to keep some material redacted.

Approximately 233 or 20% of TURN’s hours are coded as “DISC”. As the time records describe, each sub-issue under the discovery category relates closely to each other. TURN’s work on the Motion to Compel and discussions with AT&T on redactions and the sufficiency of its discovery responses directly relates to TURN advocates developing case strategy and incorporating the discovery into TURN’s testimony. Therefore, a single code is reasonable to reflect the coordinated and integrated effort in this case. However, if the Commission deems it necessary to further refine this category, the majority of hours, over 150 hours of combined time, relates to the substantive and difficult task of analyzing the voluminous testimony to assist in drafting testimony and developing case strategy by TURN staff and its consultants. This effort was complicated by AT&T’s efforts to protect the confidentiality of every piece of discovery it provided to TURN. The rest of the 233 hours, approximately 80 hours, loosely relates to the Motion to Compel and further discussions with ORA, AT&T, and the ALJ on discovery matters. This effort spanned several months and included the meet and confers before and after the Motion to Compel litigation.

#### *Testimony Production*

TURN has a significant amount of hours coded as “Test.” These hours include strategy discussion at all levels of the team and with consultants, testimony drafting and analysis. TURN’s Opening and Rebuttal testimony was detailed and highly substantive. However, a significant amount of the hours cover work performed to prepare the testimony for submission. While under some circumstances this effort may appear administrative, in this instance it is appropriate to include these hours to demonstrate TURN’s substantial contribution. TURN conducted a detailed review of its timesheets and deleted entries that may have been purely administrative but includes these coordination and substantive drafting and exhibit review hours as reasonable. Not only was the testimony critical to satisfy TURN’s Burden of Proof, but AT&T’s insistence that every document its produced during discovery was confidential made the preparation of the testimony very complicated. TURN’s consultants and staff worked diligently to protect the confidentiality of AT&T’s data by painstakingly limiting what it included in its testimony as exhibits, redacting the material properly in the text. TURN estimates that approximately 75 hours of the total 350 hours spent on testimony drafting and preparation would include work to prepare and submit two rounds of testimony.

**Hourly Rates of TURN Staff**

For Christine Mailloux, Regina Costa, William Nusbaum and Tom Long, TURN is using their approved rates for work performed in 2013 and 2014 and it has cited to the relevant Commission decision for support of those rates. For work performed in 2015, TURN is only requesting COLA adjustments of 2.56% as approved in Resolution ALJ-303, where appropriate. For other advocates, such as Ms. Mailloux and Mr. Long, their rate for 2015 remains the same as the approved rate for 2014. The requested COLA increases for each TURN advocate are included below.

**Leslie Mehta:** The Commission has not yet approved an hourly rate for Ms. Mehta. In previous compensation requests, TURN has requested an hourly rate of \$310 for work performed in 2014, which we submit is a reasonable rate for an attorney of her training and experience. TURN has two pending compensation requests seeking this rate for Ms. Mehta filed on Sept. 23, 2015 in R.13-02-010 and A.14-04-013 filed September 28, 2015.

**Susan Baldwin:** This is only the second compensation request in which TURN seeks approval for an hourly rate for work performed by Ms. Susan Baldwin in 2014 and 2015. TURN requests an hourly rate of \$195, which we submit is a reasonable rate for an economist of her training and experience. TURN has a pending request to set a rate for Ms. Baldwin in A. A.14-04-013 filed September 28, 2015.

Ms. Baldwin specializes in utility economics, regulation, and public policy. Ms. Baldwin worked with Economics and Technology, Inc. for twelve years, most recently as a Senior Vice President. Since 2001, Ms. Baldwin has been an independent consultant with extensive experience both in government and in the private sector. She has been actively involved in public policy for thirty-six years, more than thirty of which have been in telecommunications policy and regulation. Ms. Baldwin received her Master of Economics from Boston University, her Master of Public Policy from Harvard University's John F. Kennedy School of Government, and her Bachelor of Arts degree in Mathematics and English from Wellesley College.

Along with her work at ETI, prior to becoming an independent consultant Ms. Baldwin held various management positions at the Massachusetts Department of Telecommunications and Energy and Department of Public Utilities where she served in a direct advisory capacity to the commissioners on all matters relating to the regulation of the telecommunications industry in Massachusetts, including, among other things, comprehensive investigations of rate design, analyses of the level of competition that existed for various telecommunications services, costs of incumbent unbundled network elements, and the first-time implementation of the Lifeline and Link Up programs.

In her capacity as an independent consultant, Ms. Baldwin has consulted to and testified on behalf of consumer advocates on diverse matters including the electric retail market, broadband deployment, numbering resources, unbundled network element (UNE) cost studies, incumbent local exchange carriers' requests for competitive classification of services, mergers and spin-offs, rate cases, universal service, service quality, and state *Triennial Review Order* (TRO) proceedings. Ms.

Baldwin also has numerous publications, papers and presentations to her credit, with the vast majority focusing on telecommunications regulatory policy.

Ms. Baldwin has authored numerous comments and declarations submitted in various Federal Communications Commission (“FCC”) proceedings on diverse aspects of broadband such as data collection, mapping, deployment, universal service, affordability, consumer protection, and network management.

Ms. Baldwin has testified before 21 state public utility commissions and participated in projects in Delaware, Hawaii, Illinois, New York, South Dakota, and Canada on behalf of consumer advocates, public utility commissions, and competitive local exchange carriers. Ms. Baldwin has served in a direct advisory capacity to public utility commissions in the District of Columbia, Massachusetts, New Mexico, Utah and Vermont. Ms. Baldwin has also testified on behalf of public utility commission staff in Idaho and Rhode Island. Ms. Baldwin has testified before state legislative committees in Maryland, Massachusetts, Ohio, and Pennsylvania.

Ms. Baldwin has participated in more than twenty state and federal regulatory investigations of the impact of proposed transfers of control of wireline, wireless and cable companies. For example, Ms. Baldwin sponsored declarations on behalf of the New Jersey Division of Rate Counsel on Comcast’s acquisition of NBCU, the proposed AT&T-T-Mobile merger, and the transfer of spectrum from Comcast and Cox to Verizon. Ms. Baldwin has also sponsored testimony on behalf of several consumer advocacy organizations regarding the transfer of assets to Frontier Communications in Connecticut and New Hampshire, as well as the transfer of Verizon assets to Fairpoint Communications in Vermont. Ms. Baldwin also sponsored testimony and declarations on behalf of the New Jersey Division of Rate Counsel on Verizon’s acquisition of MCI, SBC’s acquisition of AT&T, AT&T’s acquisition of BellSouth, and Sprint’s spin-off of its local operations. She has also worked for the ratepayer advocate groups in Nevada, Washington, Hawaii, Ohio and Connecticut on other mergers including Sprint/WorldCom, Bell Atlantic/GTE, and SBC/Ameritech. Ms. Baldwin has also worked in California where she assisted the Office of Ratepayer Advocates in its analysis of the CPUC’s investigation of the merger of Pacific Telesis Group and SBC Communications.

Ms. Baldwin has few “close peers” in telecommunications matters before the Commission. However, when comparing Ms. Baldwin to the expert witnesses used by AT&T and Verizon, whom she regularly works with in proceedings around the country, it is apparent that Ms. Baldwin’s rates are significantly below market rates for economists with Ms. Baldwin’s experience. For example, the expert witness for AT&T in the service quality proceeding (R.11-12-001) is Debra J. Aron, Ph.D. and the expert for Verizon is Jeffrey A. Eisenach, Ph.D. Both of these experts are Principals and Managing Directors in the Evanston, Ill. and Washington, DC offices respectively for Navigant Economics, an economics and finance consulting firm. While the rates for these experts are difficult to find, TURN found evidence that as far back as 2006 hourly rates at Navigant for Managing Directors at \$600 - \$650, Directors at \$350-\$576, and Senior Consultants at \$250-\$350 (In The U.S. Bankruptcy Court for the Southern District of New York, In re Delta Airlines, et al., Chapter 11 Case No. 05-17923 (ASH), Final Application of Navigant Consulting, Inc. for Interim Allowance of Compensation and Reimbursement

Expenses, June 22, 2007, para 7). The rate sheet is instructive as to what the rates for experts with these levels of seniority billed in 2006.

Other “close peers” for Ms. Baldwin in telecommunications matters before the Commission include Dr. Trevor Roycroft who has been an expert for TURN in the past and is an economist who also has extensive experience advocating on behalf of consumers before state PUCs, such as this Commission. In the AT&T/T-Mobile merger proceeding (I.11-06-009), the Commission approved an hourly rate for Dr. Roycroft of \$230 for his work in 2011. Most recently, the Commission re-affirmed this hourly rate for Dr. Roycroft for his work through 2014 in D.15-10-015 (R.11-11-007).

Other “close peers” include Terry Murray, Scott Cratty and Elizabeth Kientzle, who in the past worked together in the firm Murray & Cratty. Although these consultants have not worked before the Commission in several years, it is constructive to note that as far back as 2006, the Commission approved hourly rates of \$350 for Ms. Murray and \$210 each for Mr. Cratty and Ms. Kientzle for work performed in 2005 (D.06-09-011). In the merger proceeding, Ms. Murray provided services very similar to those Ms. Baldwin provided to TURN here, assisting in the development of TURN strategy and positions, performing technical analysis of the economic and competition-related issues raised in the proceeding, and sponsoring testimony to present TURN’s position. The most substantial difference appears to be that Ms. Baldwin has more experience before numerous PUCs and has more publications. Mr. Cratty and Ms. Kientzle both performed much of the technical analysis to support Ms. Murray’s testimony, including cost analysis and cost modeling.

Mike Majoros might also be considered a close peer of Ms. Baldwin’s although Mr. Majoros’s work in Commission proceedings has focused on depreciation-related matters in general rate cases for major energy utilities. In D.06-10-018, the Commission awarded compensation at an hourly rate of \$240 for Mr. Majoros’s work in 2005 in the SCE GRC. While depreciation issues in a GRC setting are obviously different from the merger-related issues addressed here, both categories present challenging regulatory and policy questions that require similar skills and talents to not only master but achieve success in translating the answers into cogent and clear testimony and analysis. Both individuals have several decades of experience in regulatory matters as expert witnesses, and both have addressed a wide array of challenging and data-intensive regulatory issues in numerous jurisdictions. William Steinhurst of Synapse Energy Economics Inc. may also be considered a close peer of Ms. Baldwin. While Dr. Steinhurst’s work before the Commission has been focused on energy matters he also focuses on economic analysis like Ms. Baldwin. In D.11-03-022, the Commission awarded compensation at an hourly rate of \$250 for Dr. Steinhurst’s work in 2009-2010 in the nuclear decommissioning cost proceeding. While the issues involved in nuclear decommissioning are different from the merger related issues that Ms. Baldwin worked on here, both categories present similar challenges and the capabilities to analyze extremely complex issues and present that analysis in a clear and convincing fashion. Both experts have many years of experience and come from similar regulatory backgrounds.

Given her credentials, the reasonableness of her rate relative to her professional peers, the fact that her rate is closer to the bottom of the authorized rate range and the

excellence of her work in this proceeding, TURN respectfully requests that the Commission approve the requested hourly rate of \$195 for work performed in 2014 and 2015.

**Sarah Bosley** This is also one of the first Requests for Compensation in which TURN seeks an hourly rate for substantive work performed by Ms. Bosley in 2014 and 2015. TURN requests an hourly rate of \$145, which we submit is a reasonable rate for an economist of her training and experience. Sarah M. Bosley provides consulting services as an independent consultant. Ms. Bosley has fourteen years of experience in telecommunications and energy economics, regulation, and public policy. Ms. Bosley began her career at Economics and Technology, Inc. as a Senior Analyst and Consultant. Ms. Bosley earned her Master of Science in Agricultural and Applied Economics from Virginia Tech, her Master of Arts in International Affairs from American University, and her Bachelor of Arts in Political Science from McGill University.

In her capacity as an independent consultant, Ms. Bosley conducts economic analysis, researches telecommunications and energy market policy and regulation, and contributes to expert testimony in numerous state and federal regulatory proceedings. She has contributed to and co-authored reports to state commissions, white papers, and comments and declarations filed in Federal Communications Commission (“FCC”) proceedings. Ms. Bosley’s experience includes the analysis of a broad range of public policy issues, including: voice over Internet protocol (“VoIP”) services; broadband deployment and market practices; intercarrier compensation; access charges; federal universal service policy; the impact of mergers on consumers; service quality; consumer disclosures; cramming and slamming; applications for section 271 authority; petitions for forbearance; local competition; unbundled network elements and interconnection agreements; pricing flexibility, alternative regulation, price cap plans, total factor productivity; and electric supply market competition.

Ms. Bosley has participated in many state and federal proceedings examining issues that directly impact consumers, including service quality, cramming and slamming, public safety and IP transition issues. Ms. Bosley also has extensive experience in ratemaking and ratesetting dockets and alternative regulation dockets in at least eight states. Finally, Ms. Bosley’s work has also included the evaluation of telecommunications mergers for a variety of different stakeholders including consumer advocate organizations in California, Hawaii, Washington, New Jersey and at the FCC.

As with Ms. Baldwin, Ms. Bosley has few “close peers” in telecommunications matters before the Commission given that many intervenors representing consumer interests have generally not utilized expert witnesses over the past few years. Perhaps the closest peers are Scott Cratty and Elizabeth Kientzle, who in the past worked in the firm Murray & Cratty. In D.06-09-011, covering TURN’s work in the AT&T-SBC merger proceeding (A.05-02-027), the Commission approved hourly rates of \$210 each for Mr. Cratty and Ms. Kientzle for work performed in 2005.

In 2005 when Mr. Cratty was consulting to TURN he was Vice President of Murray & Cratty, LLC, and had 20 years experience in telecommunications. He had served as an expert (including testifying expert) in approximately 100 proceedings before more than 20 state and federal regulatory agencies, the vast majority of involving regulation of incumbent local exchange carriers. For TURN Mr. Cratty did much of the groundwork

supporting Ms. Murray's testimony, through reviewing the utilities' testimony, drafting discovery requests, drafting testimony, assisting with hearing preparation and reviewing draft briefs especially on competition issues.

In 2005, when Elizabeth Kientzle was consulting to TURN she had approximately 15 years experience in utility analysis and regulatory advocacy, primarily in the electric and local telecommunications market. She spent five years with the consulting firm Morse, Richard, Weisenmiller & Associates, then three years with Slater Consulting prior to becoming affiliated with Murray & Cratty in the late 1990s. She specialized in cost analysis, cost modeling, and market price forecasting. For TURN Ms. Kientzle performed much of the analysis of the SBC "synergy model" used as a basis to determine the short and long-term economic benefits of the proposed SBC/AT&T merger.

Given her credentials and the excellence of her work in this proceeding, and in light of the fact that even the requested \$145 hourly rate is closer to the bottom of the authorized rate range than it is to the top of that range, TURN respectfully requests that the Commission approve the requested hourly rate of \$145 for work performed by Ms. Bosley in 2014 and 2015.

**Helen Golding:** This is TURN's first request for approval of an hourly rate for the work of Helen Golding. TURN is requesting approval of a rate of \$195/hour for work performed in 2014. Ms. Golding is an independent consultant and frequently works on projects with Ms. Baldwin and Ms. Bosley when her expertise and experience are needed. Ms. Golding is a 1974 graduate of Bryn Mawr College and holds a law degree from Boston University.

Ms. Golding has worked for over 35 years in the field of utility regulation and public policy. She has written or co-written several articles and research papers on telecommunications regulatory policy for the ABA Section of Antitrust Law, Federal Communications Law Journal, and the National Regulatory Research Institute. Ms. Golding began her regulatory career as an attorney, including positions at the FCC and the Massachusetts Department of Public Utilities as well as an in-house counsel position and an associate position in a private law firm specializing in communications, energy and municipal law for investor-owned and municipal utilities.

After 15 years as a successful regulatory and administrative law attorney focusing on telecommunications and energy policy, Ms. Golding began her consulting career as a Vice President at Economics and Technology Inc., a long-standing consulting firm with significant experience working on a variety of telecommunications regulatory issues before the California Public Utilities Commission on behalf of ORA, as well as a number of states across the country, at the FCC, and in Canada. Her work with ETI included drafting and coordinating submissions on behalf of ETI clients on rate setting and rate design issues as well as mergers, deregulation, competition and broadband policy issues. After 17 years at ETI, Ms. Golding is now an independent consultant working on a variety of issues for clients representing consumers, business customers, and competitive communications providers. She has extensive experience analyzing the evolution of the industry structure resulting from the effects of deregulation and technology shifts.

Ms. Golding's experience as both an attorney and independent consultant with decades of experience in telecommunications regulatory policy suggests that her rate should fall at the top of her range. Her work in this case was primarily as a consultant and her rate should be considered in the context of consultant rates. The range of hourly rates for consultants with 13+ years of experience set forth in ALJ-308 is quite large at \$170-\$420. Despite her vast experience, Ms. Golding's requested rate of \$195 is close to the bottom of that range.

TURN submits that her rate should be compared to peers similar to the discussion above for Ms. Baldwin. Ms. Baldwin and Ms. Golding have similar years of experience, significant advanced degrees, and their work experience is similar. They are requesting the same hourly rate, suggesting that similar comparisons can be made here. Like Ms. Baldwin, Ms. Golding's rate is also significantly below that of Ms. Aron, Dr. Roycroft, Ms. Murray, and Mr. Majoros.

Ms. Golding's Statement of Qualifications is attached to this compensation request.

#### **Reasonableness of Expenses**

TURN requests that the Commission approve its expenses associated with its participation in this case. TURN incurred expenses to photocopy the numerous sets of pleadings and voluminous sets of testimony for this case. These copies were done in-house when possible and TURN keeps its copying expenses as reasonable as possible. TURN also incurred electronic legal research expenses necessary to draft the complaint and to bring, or respond to, various motions including the Motion to Dismiss, Motion to Compel and Burden of Proof briefing. TURN notes that it incurred a substantial portion of its electronic research expenses in drafting the Complaint in this docket. Because there was no docket number at the time, TURN advocates had to use a proxy docket number for its internal recordkeeping. In its detailed expense report and attached receipts for its Lexis/Nexis research done prior to filing the Complaint, the records show use of R.09-06-019. Once TURN received the docket number for this complaint, those entries were transferred.

TURN notes that it limited its travel expenses by using local members of the TURN team to attend the PHC and various ex parte meetings thus obviating the need for TURN's lead attorney to travel. TURN has been cautious when incurring expenses in this docket and, therefore the Commission should find TURN's direct expenses reasonable.

#### **c. Allocation of hours by issue:**

<b>GP</b>	<b>General Preparation:</b> Work that generally does not vary with the number of issues that TURN addresses in the case
<b>Disc</b>	<b>Discovery:</b> Work on discovery-related issues including drafting and propounding discovery, analysis of discovery responses, coordination with other parties on discovery issues and work to address the Motion to Compel and other issues related to the redactions of AT&T's discovery responses. While TURN believes this code stands alone reflecting the importance of discovery in this case, a rough analysis shows 60% of the hours relate to discovery tracking, review, summary, and analysis for purposes of testimony

Verified.



	while 40% was discovery dispute resolution with AT&T, Motion to Compel, meet and confers and follow up correspondence.		
<b>Cmplt</b>	<b>Complaint:</b> Work on the complaint document itself including research, drafting, and meetings and follow up research and early strategy discussions. This code also includes work relating to TURN's gathering and managing of the statutorily mandated customer signatures.		
<b>Proc</b>	<b>Procedure:</b> Work addressing a number of procedural motions and events in the case including the Motion for a Memorandum Account (required to implement TURN's requested remedy in the complaint), Motion for PPHs (held under advisement) and briefing on Burden of Proof issues.		
<b>Mtn</b>	<b>Motions:</b> Work specifically related to AT&T's Motion to Dismiss and AT&T's answer to TURN's Complaint.		
<b>Stlmt</b>	<b>Settlement:</b> Work for TURN to participate in settlement negotiations between AT&T, Center for Accessible Technology and TURN. This includes coordinating and participating in discussions and drafting the Settlement and related Motion. This code also includes time coordinating and discussing settlement with ORA and other intervenors.		
<b>Hrg</b>	<b>Hearing:</b> The Assigned Commissioner scheduled hearings in this proceeding. The entries reflect time spent by TURN and its experts to prepare for hearings including review of voluminous discovery and testimony. However, due to scheduling issues, the hearings were rescheduled several times and only a couple of weeks before they were due to start, parties requested the hearing schedule be suspended due to the possibility of settlement.		
<b>Test</b>	<b>Testimony:</b> work on drafting opening and rebuttal testimony by TURN staff and expert witness and analyst, as well as time spent reviewing and analyzing AT&T opening and rebuttal testimony		
<b>AL</b>	<b>Advice Letter:</b> Work performed by TURN advocates to protest and monitor AT&T's notice of a rate increase filed via a Tier 1 Advice Letter.		
<b>PD</b>	<b>Proposed Decision:</b> Work to review analyze and comment on PD including proposed revisions; Coordinate effort with intervenors and AT&T re: support for settlement; time spent on ex parte meetings re: necessary changes to PD and status of settlement approval		
<b>Coord</b>	<b>Coord:</b> Time spent working with other intervenors on substantive and procedural issues, work necessary to avoid duplication of issues including joint filings, strategy discussions and scheduling issues.		
<b>#</b>	<b>Combined Efforts:</b> Time entries that cover substantive work that cannot easily be identified with a specific activity code. TURN attempts to identify each entry with a specific issue and therefore entries with a "#" are limited. TURN does not believe allocation of these entries is required, but if the Commission chooses to allocate these entries to specific issues they would roughly break down as: <b>Cmplt: 40%; Mtn: 20%; Test: 10%; Disc: 30%</b>		
<b>Comp</b>	<b>Compensation:</b> work spent on compensation request related matters including draft the Notice of Intent to Claim compensation and this compensation request		

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Christine Mailloux	2013	32.75	\$430	D.14-04-021	\$14,082.50	32.75	\$430.00	\$14,082.50
Christine Mailloux	2014	167.00	\$440	D.15-06-018	\$73,480.00	167.00	\$440.00	\$73,480.00
Christine Mailloux	2015	51.75	\$440	ALJ-308	\$22,770.00	51.75	\$440.00	\$22,770.00
Regina Costa	2014	10.25	\$300	D.15-08-016	\$3,075.00	10.25	\$300.00	\$3,075.00
Leslie Mehta	2014	139.75	\$310	See discussion above	\$43,322.50	139.50 [1]	\$310.00	\$43,245.00
Susan Baldwin	2014	178.50	\$195	See discussion above	\$34,807.50	178.50	\$195.00	\$34,807.50
Susan Baldwin	2015	17.50	\$195	See discussion above	\$3,412.50	17.50	\$195.00	\$3,412.50
Sarah Bosley	2014	123.75	\$145	See discussion above	\$17,943.75	123.75	\$145.00	\$17,943.75
Sarah Bosley	2015	17.0	\$145	See discussion above	\$2,465.00	17.00	\$145.00	\$2,465.00
William Nusbaum	2013	15.25	\$455	D.13-10-065	\$6,938.75	15.25	\$455.00	\$6,938.75
William Nusbaum	2014	2.5	\$465	D.15-08-023	\$1,162.50	2.50	\$465.00	\$1,162.50
Helen Golding	2014	65.25	\$195	See discussion above	\$12,723.75	65.25	\$195.00	\$12,723.75
Tom Long	2013	83.00	\$555	D.14-05-015	\$46,065.00	83.00	\$555.00	\$46,065.00
Tom Long	2014	69.00	\$570	D.15-06-021	\$39,330.00	68.75	\$570.00	\$39,187.50
Tom Long	2015	10.0	\$570	ALJ-308	\$5,700.00	10.00	\$570.00	\$5,700.00
Subtotal: \$ 327,278.75						Subtotal: \$ 327,058.75		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Christine	2014	.5	\$220	Half hourly rate	\$110.00	0.50	\$220.00	\$110.00

Mailloux								
Christine Mailloux	2015	19.75	\$220	Half hourly rate	\$4,345.00	19.75	\$220.00	\$4,345
Leslie Mehta	2014	1.5	\$155	Half hourly rate	\$232.50	1.5	\$155.00	\$232.50
Tom Long	2015	1.5	\$285	Half hourly Rate	427.50	1.5	\$285.00	\$427.50
Subtotal: \$ 5,115.00						Subtotal: \$5,115.00		
COSTS								
#	Item	Detail			Amount	Amount		
	Photocopy	Copies made of TURN pleadings for service, and distribution to ALJ and Commissioners and hearing exhibits and testimony			\$431.70	\$414.46 [2]		
	Lexis	Computerized research costs associated with preparation of TURN's strategy and pleadings			\$581.73	\$581.73		
	Phone Charges	Charges associated with TURN's work in this proceeding, including costs of conference calls			\$67.56	\$67.56		
	Postage	Expense related to service and transmittal to Commission and overnight delivery charges			\$63.92	\$63.92		
Subtotal: \$1,144.91						\$1,127.67		
TOTAL REQUEST: \$ 333,539.00						TOTAL AWARD: \$333,301.42		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate .</p>								
ATTORNEY INFORMATION								

Attorney	Date Admitted to CA BAR <sup>1</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Christine Mailloux	12/10/1993	167918	No
William Nusbaum	6/7/1983	108835	No, but inactive from January 1, 1997 until October 4, 2002.
Tom Long	12/11/1986	124776	No
Leslie Mehta	12/03/2008	258512	No, but inactive from March 1, 2010 until April 6, 2010.

**D. CPUC Disallowances and Adjustments:**

Item	Reason
[1]	The Ex Parte Notice filed by TURN on March 19, 2014, indicates that TURN's ex parte meeting lasted 30 minutes. The timesheets of Long and Mehta state the meeting lasted 45 minutes. 15 minutes have been disallowed from the timesheets of the two attorneys.
[2]	TURN claims expenses related to the scanning of documents, which the Commission will not compensate.

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the Claim?</b>	No.
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	Yes.

**FINDINGS OF FACT**

- TURN has made a substantial contribution to D.15-10-027.
- The requested hourly rates for TURN's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
- The total of reasonable compensation is \$333,301.42.

<sup>1</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. The Utility Reform Network shall be awarded \$333,301.42.
2. Within 30 days of the effective date of this decision, Pacific Bell Telephone Company d/b/a AT&T California shall pay The Utility Reform Network the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 07, 2016, the 75<sup>th</sup> day after the filing of Intervenor's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This proceeding is closed.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX**  
**Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1510027		
<b>Proceeding(s):</b>	C1312005		
<b>Author:</b>	ALJ Bemederfer		
<b>Payer(s):</b>	Pacific Bell Telephone Company d/b/a AT&T California		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
The Utility Reform Network	12/23/2015	\$333,539.00	\$333,301.42	N/A	<i>See CPUC Disallowances and Adjustments, above.</i>

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Christine	Mailloux	Attorney	TURN	\$430	2013	\$430.00
Christine	Mailloux	Attorney	TURN	\$440	2014	\$440.00
Christine	Mailloux	Attorney	TURN	\$440	2015	\$440.00
Regina	Costa	Expert	TURN	\$300	2014	\$300.00
Leslie	Mehta	Attorney	TURN	\$310	2014	\$310.00
Susan	Baldwin	Expert	TURN	\$195	2014	\$195.00
Susan	Baldwin	Expert	TURN	\$195	2015	\$195.00
Sarah	Bosley	Attorney	TURN	\$145	2014	\$145.00
Sarah	Bosley	Attorney	TURN	\$145	2015	\$145.00
William	Nusbaum	Attorney	TURN	\$455	2013	\$455.00
William	Nusbaum	Attorney	TURN	\$465	2014	\$465.00
Helen	Golding	Expert	TURN	\$195	2014	\$195.00
Tom	Long	Attorney	TURN	\$555	2013	\$555.00
Tom	Long	Attorney	TURN	\$570	2014	\$570.00
Tom	Long	Attorney	TURN	\$570	2015	\$570.00

**(END OF APPENDIX)**